

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #2	CCRB Case #: 201909418	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 06/03/2018 10:57 AM	Location of Incident: [REDACTED]	Precinct: 30	18 Mo. SOL 12/3/2019	EO SOL 12/3/2019	
Date/Time CV Reported Fri, 10/25/2019 3:01 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Fri, 10/25/2019 3:01 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Courtney Mallon	31934	955120	030 PCT
2. SGT Scott Welsh	02882	899986	030 PCT
3. POM Shaun Ramcharan	10701	949523	030 PCT
4. POM George Layng	06732	911985	030 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Josue Navarodriguez	25255	963178	030 PCT
2. POM Dimitrios Sotiriou	03690	949684	030 PCT
3. POM Garfield Mead	28074	927637	030 PCT
4. POM David Cooper	02634	936383	030 PCT
5. Officers			E S U

Officer(s)	Allegation	Investigator Recommendation
A.POM Shaun Ramcharan	Force: Police Officer Shaun Ramcharan used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.SGT Scott Welsh	Force: Sergeant Scott Welsh used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C.POM George Layng	Force: Police Officer George Layng used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.SGT Scott Welsh	Force: Sergeant Scott Welsh used a chokehold against § 87(2)(b) [REDACTED]	[REDACTED]
E.SGT Scott Welsh	Force: Sergeant Scott Welsh used a Taser against § 87(2)(b) [REDACTED]	[REDACTED]
F.POF Courtney Mallon	Force: Police Officer Courtney Mallon used a taser against § 87(2)(b) [REDACTED]	[REDACTED]
G.SGT Scott Welsh	Discourtesy: Sergeant Scott Welsh acted discourteously toward § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On October 25, 2019, § 87(2)(b) filed this complaint with the CCRB via mail (Board Review 01).

On June 3, 2018, at approximately 10:57 a.m., § 87(2)(b) punched § 87(2)(b) and a witness, § 87(2)(b) called the police. Officers, including Sergeant Scott Welsh and Police Officers George Layng, Courtney Mallon, and Shaun Ramcharan of the 30th Precinct found § 87(2)(b) in front of § 87(2)(b) in Manhattan. Multiple officers allegedly attempted to bring § 87(2)(b) down to the ground by kicking his legs and pushing his shoulders (**Allegation A – Force; Physical Force, § 87(2)(g)**; **Allegations B and C – Force: Physical Force, § 87(2)(g)**). Sergeant Welsh allegedly placed § 87(2)(b) in a chokehold by wrapping his arm around § 87(2)(b)'s neck from behind (**Allegation D – Force: Chokehold, § 87(2)(g)**). § 87(2)(b) resisted and remained standing for approximately five minutes before he lost his strength and fell onto the ground. Sergeant Welsh and Police Officer Mallon used Tasers against § 87(2)(b) (**Allegation E and F – Force: Nonlethal Restraining Device, § 87(2)(g)**). Sergeant Welsh allegedly dove onto § 87(2)(b)'s back (**within Allegation B**), and in the process, Sergeant Welsh allegedly struck his own head against a fence, resulting in an open wound. Sergeant Welsh allegedly took blood from this wound and smeared it into § 87(2)(b)'s open wound in his shoulder (**Allegation G – Discourtesy: Action, § 87(2)(g)**). § 87(2)(b) was arrested and charged with assaulting § 87(2)(b) Police Officer Ramcharan, Police Officer Layng, and Sergeant Welsh (Board Review 02).

No video footage was found in this case.

Findings and Recommendations

Allegation (A) Force: Police Officer Shaun Ramcharan used physical force against § 87(2)(b)

Allegation (B) Force: Sergeant Scott Welsh used physical force against § 87(2)(b)

Allegation (C) Force: Police Officer George Layng used physical force against § 87(2)(b)

Allegation (D) Force: Sergeant Scott Welsh used a chokehold against § 87(2)(b)

Allegation (E) Force: Sergeant Scott Welsh used a Taser against § 87(2)(b)

Allegation (F) Force: Police Officer Courtney Mallon used a Taser against § 87(2)(b)

Allegation (G) Discourtesy: Sergeant Scott Welsh acted discourteously toward § 87(2)(b)

§ 87(2)(b) was interviewed via telephone on December 2, 2019 (Board Review 03) while incarcerated at Mid-State Correctional Facility as a result of this incident, and he provided a follow-up telephone statement on December 20, 2019 (Board Review 04). Police Officer Ramcharan was interviewed on February 21, 2020 (Board Review 05). Police Officer Mallon was interviewed on March 13, 2020 (Board Review 06). Sergeant Welsh and Police Officer Layng retired from the NYPD before the CCRB had an opportunity to interview them about this incident.

It is undisputed that § 87(2)(b) punched § 87(2)(b) that § 87(2)(b) offered a degree of physical resistance, and that officers forcibly brought § 87(2)(b) down to the ground, but the circumstances surrounding this forcible takedown remain in dispute. It is undisputed that Sergeant Welsh and Police Officer Mallon used Tasers § 87(2)(b) but which officer did so first and whether § 87(2)(b) was fully handcuffed when the Tasers were used remain in dispute.

§ 87(2)(b) stated that he was engaged in a physical dispute with a group of homeless men, during which they punched each other, and someone called 911. Officers in a marked vehicle found § 87(2)(b)

§ 87(2)(b) in front of § 87(2)(b) Police Officer Ramcharan opened his driver door, tripped out of the police vehicle, twisted his ankle, and immediately fell onto the ground, where he remained holding his knee in “agony” and did nothing else during the incident. Three officers on foot then “manhandled” § 87(2)(b) without saying anything to him beforehand. They tried to bring him down to the ground by kicking his legs from behind and pushing his shoulders. § 87(2)(b) “stood [his] ground” and remained standing for approximately five minutes. When asked how he was able to remain standing, § 87(2)(b) said, “I don’t know, it’s kind of miraculous,” and, “I must have been filled with adrenaline because I was pretty angry.” § 87(2)(b) kept his hands behind his back and did not move his body while the officers tried to bring him to the ground. While the officers attempted to bring § 87(2)(b) down to the ground, Sergeant Welsh wrapped the inside of his elbow around the front of his neck from behind. Sergeant Welsh held § 87(2)(b) in this chokehold for approximately three to four minutes, but § 87(2)(b) noted that Sergeant Welsh did not restrict his breathing. After approximately five minutes, the officers brought § 87(2)(b) down to the ground. § 87(2)(b) did not know how they did so, but he believed his knees buckled because he was overwhelmed and tired. § 87(2)(b) landed on his left shoulder, and his shoulder and face struck the ground. The officers handcuffed both of § 87(2)(b)’s hands, and an unknown officer pushed § 87(2)(b)’s face into the ground. § 87(2)(b) was “wiggling around a little bit” and trying to stand up, but he was unsuccessful, and he was not kicking his legs or moving his arms. Police Officer Mallon then deployed a Taser against § 87(2)(b) in his stomach, and approximately two to three seconds later, a male officer behind § 87(2)(b) whom he was unable to describe, deployed a Taser against him in his spine. § 87(2)(b) was no longer wiggling when the Taser was deployed, and he did not do anything between the first and second uses of Tasers. Sergeant Welsh dove onto § 87(2)(b)’s back, such that his stomach landed on § 87(2)(b)’s back while § 87(2)(b) laid flat on the ground, and in the process, Sergeant Welsh struck his own head against a fence, resulting in an open wound. Sergeant Welsh then took blood from this wound and smeared it into § 87(2)(b)’s open wound on his shoulder.

§ 87(2)(b) medical records from § 87(2)(b) (page 476-503, Board Review 07) state that he sustained abrasions to his face and both shoulders, which were cleansed with saline, Silvadene topical cream, and dry gauze. § 87(2)(b) also sustained puncture wounds from the Tasers and his abdomen/torso.

Police Officer Ramcharan stated that he exited his vehicle, approached § 87(2)(b) and asked to speak to him, and § 87(2)(b) said, “What the fuck do you want?” § 87(2)(b) “flailed” his arms by throwing them into the air, and Police Officer Ramcharan told § 87(2)(b) that he was going to handcuff him. Police Officer Ramcharan handcuffed one of § 87(2)(b)’s arms without using any force. While Police Officer Ramcharan attempted to handcuff § 87(2)(b)’s other arm, § 87(2)(b) “flailed” his arms and lunged at him, hitting him in the front side of his body, and both Police Officer Ramcharan and § 87(2)(b) fell to the ground. Police Officer Ramcharan landed on his back with § 87(2)(b) on top of him. § 87(2)(b) grabbed and attempted to bite Police Officer Ramcharan’s right leg, and Police Officer Ramcharan grabbed § 87(2)(b)’s forehead and pulled his head away from his leg, but § 87(2)(b) continued to try to bite him. He grabbed § 87(2)(b)’s head near his mouth, and § 87(2)(b) tried to bite his fingers. Police Officer Mallon and Police Officer Ramcharan continued to try to handcuff § 87(2)(b) who was still on top of Police Officer Ramcharan, and Police Officer Ramcharan heard his own right leg “pop” and screamed in pain. Approximately one minute after the struggle on the ground began, Sergeant Welsh and Police Officer Layng arrived, and approximately 30 seconds later, Sergeant Welsh deployed a Taser against § 87(2)(b) removed the Taser prongs, stood up, and swung his handcuffed arm, striking Sergeant Welsh on top of his head with the loose end of the handcuff. Less than one minute later, Police Officer Mallon deployed her Taser against § 87(2)(b) who fell to the ground onto his stomach and continued to refuse to surrender his hands. The officers “went on top” of § 87(2)(b) to

try to handcuff him. Approximately two to three officers, in addition to Sergeant Welsh and Police Officer Layng, attempted to control § 87(2)(b) but Police Officer Ramcharan did not assist them because he was injured, and he did not know who these other officers were. Police Officer Ramcharan did not know how § 87(2)(b) was ultimately apprehended, nor did he know whether any officer forcibly brought § 87(2)(b) to the ground or kicked his legs out from underneath him. No officer placed § 87(2)(b) in a chokehold or smeared his own blood into § 87(2)(b)'s open wound.

Police Officer Mallon § 87(2)(g) did not know how § 87(2)(b) wound up on the ground, but she also stated that § 87(2)(b) “flailed” his arms and attempted to attack Police Officer Ramcharan before falling to the ground. She noted that before Sergeant Welsh deployed his Taser against § 87(2)(b) stood up, and Police Officers Garfield Mead and David Cooper of the 30th Precinct, both of whom are black males, arrived at the scene and attempted to control § 87(2)(b)'s legs while she attempted to control his upper body. She stated that § 87(2)(b) struck Sergeant Welsh's head with the handcuffs before Sergeant Welsh deployed his Taser, and that § 87(2)(b) remained on the ground but “flailed” his arms and kicked his legs after Sergeant Welsh deployed his Taser.

Police Officer Ramcharan's TRI Worksheet (Board Review 08, 09) indicates that § 87(2)(b) wrestled/grappled and pushed/shoved him, and that he used a forcible takedown against § 87(2)(b). Police Officer Ramcharan believed Police Officer Mallon prepared this report on his behalf while he was in the hospital after the incident. Police Officer Ramcharan did not recall telling another officer what to write on the TRI Worksheet. Police Officer Ramcharan's AIDED report (Board Review 10), and Line-of-Duty (LOD) Injury Report (Board Review 11) indicate that he sustained injuries to his right knee and right ankle. Police Officer Ramcharan stated that on a later date, he was diagnosed with a torn ACL and ankle, damage to meniscus and later meniscus, and a pinched nerve in his back.

In his Threat, Resistance, and Injury (TRI) Worksheet (Board Review 12, 13), Sergeant Welsh indicated that § 87(2)(b) used (a) hand strike(s), (a) foot strike(s), an object as a weapon, pushing/shoving, and wrestling/grappling against him, and that he used (a) hand strike(s), a forcible takedown, and a conducted electrical weapon (Taser) against § 87(2)(b) but the Taser did not effectively subdue § 87(2)(b). The photographs in Sergeant Welsh's TRI Worksheet show that Sergeant Welsh was bleeding from the top of his head, and that § 87(2)(b) had abrasions to his right shoulder and one of his knees. Sergeant Welsh's AIDED report (Board Review 14) indicates that he sustained a laceration to his head and a sprain to his left wrist as a result of an assault by § 87(2)(b) and his LOD Injury Report (Board Review 11) states he received staples to his head.

In her TRI Worksheet (Board Review 15, 16), Police Officer Mallon indicated that § 87(2)(b) used a foot strike against her, and that she used a Taser against § 87(2)(b) which effectively subdued him and caused him to fall to the ground.

In his TRI Worksheet (Board Review 17, 18), Police Officer Layng indicated that § 87(2)(b) used (a) foot strike(s) and wrestling/grappling against him, and that he used a forcible takedown against § 87(2)(b). Police Officer Layng's AIDED report (Board Review 19) indicates that he was injured from § 87(2)(b) kicking him in the head multiple times, and his LOD Injury Report (Board Review 11) states that he was diagnosed with a concussion.

No TRI Worksheets were prepared by Police Officer Cooper, Police Officer Mead, or any other officer regarding this incident. § 87(2)(b) did not describe any black males as being present during the incident.

Patrol Guide Procedure 221-01 (Board Review 20) allows officers to use force when it is reasonable to ensure the safety of a member of the service, or when it is reasonable to place a person in custody. Factors to be considered in determining whether the use of force is reasonable include the following: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject; members of service or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; the number of subjects in comparison to the number of members of service; size, age and condition of the subject in comparison to the member of service; subject's violent history if known; presence of a hostile crowd or agitators; and whether the subject is apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

Patrol Guide Procedure 221-08 (Board Review 21) prohibits the use of Tasers against prisoners who have already been rear-handcuffed.

§ 87(2)(g)

A Uniformed Member of Service Status inquiry (Board Review 22) indicated that Sergeant Welsh retired on December 1, 2019, and Police Officer Layng retired on November 29, 2019. ■■■■

§ 87(2)(g)

§ 87(2)(b) ■■■■ stated that he was on the ground, had already been handcuffed, and was not offering physical resistance when Sergeant Welsh and Police Officer Mallon deployed Taser's against him. Police Officer Mallon and Police Officer Ramcharan stated that § 87(2)(b) ■■■■ was violently resisting arrest and had injured Police Officer Ramcharan, Police Officer Layng, and Sergeant Welsh before Police Officer Mallon and Sergeant Welsh deployed Tasers against him. § 87(2)(g) ■■■■

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) ■■■■ has been a party (Board Review 23).
- Police Officer Shaun Ramcharan has been a member-of-service for nine years and was named a subject in one other CCRB complaint and one other allegation, which was not substantiated. § 87(2)(g) ■■■■
- Sergeant Scott Welsh was a member-of-service for 29 years and was named a subject in two other CCRB complaints and three other allegations, none of which were substantiated. § 87(2)(g) ■■■■
- Police Officer George Layng was a member-of-service for 25 years and was named a subject in six other CCRB complaints and seven other allegations, one of which was

substantiated. § 87(2)(g)

- 201502592 involved a substantiated allegation of Refusal to Provide Name/Shield Number against Police Officer Layng. The Board recommended Formalized Training, and the NYPD imposed Command-Level Instructions.
- Police Officer Courtney Mallon has been a member-of-service for six years, and this is the first CCRB complaint in which she has been named a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming he was assaulted and injured by the police officers, and he is seeking \$120,000, his release from prison, and the dismissal of his parole as redress (Board Review 24).
- As a result of his arrest in this incident, § 87(2)(b) was convicted of three counts of assault in the second degree, and he received three years of imprisonment and five years of post-release probation (Board Review 25).
- § 87(2)(b)

Squad No. 02

Investigator:	SI Jean-Paul Lozada	SI Jean-Paul Lozada	05/01/2020
	_____ Signature	_____ Print Title & Name	_____ Date

Squad Leader:	Alexander Opoku-Agyemang	IM Alexander Opoku-Agyemang	5/4/2020
	_____ Signature	_____ Print Title & Name	_____ Date

Reviewer:	_____	_____	_____
	_____ Signature	_____ Print Title & Name	_____ Date